

From: "Leonard J. French" <[ljfrench@leonardjFrench.com](mailto:ljfrench@leonardjFrench.com)>  
Subject: Re: Bellwether Cases -- Discovery Responses  
Date: December 21, 2012 2:44:23 PM EST  
To: Keith Lipscomb <[KLipscomb@LEBFIRM.COM](mailto:KLipscomb@LEBFIRM.COM)>, Chris Fiore <[cFiore@fiorebarber.com](mailto:cFiore@fiorebarber.com)>  
Cc: [ronaldasmithesq@aol.com](mailto:ronaldasmithesq@aol.com), Charles Thomas <[ct@thomastrials.com](mailto:ct@thomastrials.com)>, Thad Gelsinger <[tgelsinger@LeisawitzHeller.com](mailto:tgelsinger@LeisawitzHeller.com)>

1 Attachment, 186 KB

Keith and Chris,  
Please find attached our discovery responses as requested. I am attaching an attorney verification instead of a notarized client verification page only because my client is unable to get the verification to me in the time frame we had. Rest assured, I'll have client verification to you in the new year on the exact same responses.

Yours,  
Leonard French



[Doe #1 Res....pdf \(186 KB\)](#)

—  
Leonard J. French  
Attorney & Counselor at Law  
Serving the great state of Pennsylvania  
1022 Main St., Bethlehem, PA 18018  
P.O. Box 9125, Allentown, PA 18105  
Toll-free: (888) 801-8681  
Fax: (888) 262-0632  
Local: (610) 537-3537 (Lehigh Valley)  
Local: (717) 480-4780 (Harrisburg)  
[ljfrench@leonardjFrench.com](mailto:ljfrench@leonardjFrench.com)  
<https://www.leonardjFrench.com>  
<http://www.linkedin.com/in/leonardjFrench>  
<https://twitter.com/#!/leonardjFrench>

On Dec 20, 2012, at 1:11 PM, Keith Lipscomb wrote:

Leonard,

I appreciate that. What I will do is withdraw the motion and not seek fees if your responses are ok. But, I need to file a motion to compel so the judge knows I am proactively pushing the case as fast as I can and so he understands why the schedule may need to be pushed when it comes time for that. Also, all be advised, that Plaintiff's 3<sup>rd</sup> party discovery is going out tomorrow. You will all get copies of what we propound. Unfortunately, it took longer than I thought to finish it because I got distracted by the memos in opp and motions in this case. Then when that project was done, the paralegal who is charged with the 3<sup>rd</sup> party discovery had a family member die, her mom had a stroke, she was in a car accident, and she is getting teeth pulled this afternoon – no fibs, really, all that happened. Needless to say, she missed some work, but she is great so this is just life. Anyway, she promised it is going out really early tomorrow and you will all be cc-ed.

Best regards,  
Keith

---

**From:** Leonard J. French [mailto:[ljfrench@leonardjFrench.com](mailto:ljfrench@leonardjFrench.com)]  
**Sent:** Thursday, December 20, 2012 12:56 PM  
**To:** Keith Lipscomb  
**Cc:** [ronaldasmithesq@aol.com](mailto:ronaldasmithesq@aol.com); [ct@thomastrials.com](mailto:ct@thomastrials.com); [tgelsinger@LeisawitzHeller.com](mailto:tgelsinger@LeisawitzHeller.com); Chris Fiore; copyright; Jose Talavera

**Subject:** Re: Bellwether Cases -- Discovery Responses

Keith,

We absolutely intend to cooperate with your discovery request. Can you put off the threat of the motion for a few days? We can have our response to you by the end of next week.

Thank you,  
LJF

On Dec 20, 2012, at 12:26 PM, Keith Lipscomb <[KLipscomb@LEBFIRM.COM](mailto:KLipscomb@LEBFIRM.COM)> wrote:

Leonard, Ronald, Charles and Thad:

Your clients' discovery were due on 12/13/12. To date, we have not received any responses. As you know, “[t]he Federal Rules of Civil Procedure, as well as case law, have [further] established that when a party fails to serve objections to [discovery] within the time required, in absence of good cause or of an extension of time to do so, they have [] waived the right to raise objections later.” *Coregis Ins. Co. v. Baratta & Fenerty, Ltd.*, 187 F.R.D. 528, 529 (E.D. Pa. 1999).

Please know that unless your clients serve their responses to Plaintiff's discovery by mid-day tomorrow, my Client will file a motion to compel. This email is intended to comply with Fed.R.Civ.P. 37(d)(1)(B). If there is any reason you can think of why Plaintiff should not or is not legally required to file a motion to compel, please advise. Also, kindly note that we cannot wait longer than mid-day tomorrow because I am going out of town. Finally, be advised if your clients make objections, Plaintiff will move compel and argue that your clients waived any objections they may have had under well-settled black letter law. As you know, there is a prevailing party's attorneys' fee clause governing motions to compel.

Best regards,  
Keith

---

**From:** Leonard J. French [<mailto:ljfrench@leonardj french.com>]  
**Sent:** Tuesday, November 27, 2012 3:44 PM  
**To:** Crystal Sebastian  
**Cc:** [ronaldasmithesq@aol.com](mailto:ronaldasmithesq@aol.com); [ct@thomastrials.com](mailto:ct@thomastrials.com); [Jordan@FishtownLaw.com](mailto:Jordan@FishtownLaw.com); [mjr@randazza.com](mailto:mjr@randazza.com); [tgelsinger@LeisawitzHeller.com](mailto:tgelsinger@LeisawitzHeller.com); Keith Lipscomb; Chris Fiore  
**Subject:** Re: Bellwether Cases - 26(f) Report Teleconference

I'll be on.

LJF

On Nov 27, 2012, at 3:41 PM, Crystal Sebastian wrote:

Good afternoon,

We have not heard back from anyone other than Mr. Gelsinger, Mr. Rushie and Mr. Thomas regarding their availability for a phone call this afternoon. Will anyone else be available at 4:00 pm for the teleconference? Keith will be on the call at that time.

Here is the information for the conference:  
Conference dial-in number: (866) 576-7975  
Participant access code: 104524#

Per Keith, if we do not hear from anyone regarding the 26(f) reports by close of business today, they will be filed as unilateral reports.

Regards,

LIPSCOMB,  
EISENBERG &  
BAKER, PL

**Crystal Sebastian**  
Paralegal  
Lipscomb, Eisenberg & Baker, PL  
One Biscayne Tower  
2 South Biscayne Boulevard  
Suite 3800  
Miami, FL 33131  
Telephone: (786) 431-2228  
Facsimile: (786) 431-2229  
Email: [CSebastian@LEBFIRM.com](mailto:CSebastian@LEBFIRM.com)

This transmission is intended to be delivered only to the named addressee(s) and may contain information which is confidential, proprietary, attorney work-product or attorney-client privileged. If this transmission is received by anyone other than the intended recipient(s), the recipient(s) should immediately notify the sender by reply and then delete the transmission. In no event shall this transmission be read, used, copied, reproduced, stored or retained by anyone other than the intended recipient(s) except with the express written consent of the sender. Disclaimer regarding Uniform Electronic Transactions Act ("UETA") § 668.50, Fla. Stat.: If this transmission concerns negotiation of a contract or agreement, whether UETA applies or not, contract formation in this matter shall occur only with manually-affixed original signatures on original documents. Thank you.

Este mensaje incluido los documentos adjuntos, está destinado a la(s) persona(s) o compañía(s) indicadas y puede contener información confidencial y/o legalmente privilegiada. Se prohíbe la publicación, reproducción o divulgación de esta información. Si usted no es el destinatario de este correo, por favor notifique respondiendo a este mensaje y proceda a borrarlo. Gracias.

**P**lease consider the environment before printing this e-mail. / Por favor considere el medio ambiente antes de imprimir este email.